

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 JULIE L. GARLAND
Senior Assistant Attorney General
4 JESSICA N. BLONIEN
Supervising Deputy Attorney General
5 DENISE A. YATES, State Bar No. 191073
Deputy Attorney General
6 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
7 Telephone: (415) 703-5531
Fax: (415) 703-5843
8 Email: Denise.Yates@doj.ca.gov
Attorneys for Respondent Ben Curry, Warden at the
9 Correctional Training Facility
SF2008401643

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION
14

15 **SIEU PHONG NGO,**

Petitioner,

17 v.

18 **BEN CURRY, Warden,**

19 Respondent.

No. C 08-0620 JSW (PR)

**RESPONDENT'S REQUEST
FOR AN EXTENSION OF TIME
TO RESPOND TO PETITION;
SUPPORTING DECLARATION
OF COUNSEL**

20
21 **REQUEST FOR AN EXTENSION OF TIME**

22 Respondent Ben Curry, Warden at the Correctional Training Facility, requests that this
23 Court, for the reasons set forth in the accompanying declaration of counsel, grant an extension of
24 time to, and including, September 3, 2008, to respond to the Petition.

25 **DECLARATION OF COUNSEL**

26 I, Denise A. Yates, declare:

27 1. I am an attorney admitted to practice before the courts of the State of California
28 and in this Court. I am employed by the California Attorney General's Office as a Deputy

1 Attorney General in the Correctional Writs and Appeals Section. I am assigned to represent
2 Respondent in this case in which Petitioner Ngo challenges his 2006 parole denial.


3 2. Pursuant to this Court's May 6, 2008 Order to Show Cause, Respondent must
4 respond to the Petition by July 7, 2008.

5 3. I need additional time to prepare a response in this case because since being
6 assigned this case on or about May 15, 2008, I have prepared approximately fifteen substantive
7 filings, and was out of the office for thirteen days. In addition, in the next two months, I am
8 scheduled to prepare approximately nineteen substantive filings, and I will be out of the office for
9 at least ten days. Accordingly, Respondent respectfully requests additional time to respond to the
10 Petition.

11 4. This request for an extension of time is not made for any purpose of harassment,
12 undue delay, or for any improper reason. Petitioner Ngo should not be prejudiced by this request
13 for an extension of time. Respondent has not requested any other extensions of time to respond
14 to the Petition. Petitioner Ngo is incarcerated in state prison and cannot easily be contacted about
15 this requested extension of time.

16 5. Without an extension of time, Respondent would be substantially harmed or
17 prejudiced in that I would not be able to determine if the Petition should be dismissed on
18 procedural grounds, or to prepare a proper and thorough answer.

19 I declare under penalty of perjury that the foregoing is true and correct and that this
20 declaration was executed on July 3, 2008, at San Francisco, California.

21
22 
23 DENISE A. YATES
24 Deputy Attorney General
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Ngo v. Curry**

No.: **C08-0620 JSW**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **July 3, 2008**, I served the attached

**RESPONDENT'S REQUEST FOR AN EXTENSION OF TIME TO RESPOND TO
PETITION; SUPPORTING DECLARATION OF COUNSEL**

[PROPOSED] ORDER

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Sieu Phong Ngo, J-07024
Correctional Training Facility
P.O. Box 689
Soledad, CA 93960-0689**
in pro per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **July 3, 2008**, at San Francisco, California.

J. Palomino
Declarant


Signature